



United States Department of the Interior

FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960



July 29, 2005

Colonel Robert M. Carpenter
District Engineer
U.S. Army Corps of Engineers
701 San Marco Boulevard, Room 372
Jacksonville, Florida 32207-8175

RE: Correction of Statements in Biological Opinions for the Endangered Florida Panther

Dear Colonel Carpenter:

On May 4, 2004, Public Employees for Environmental Responsibility submitted a request to the Fish and Wildlife Service (Service) alleging violations of Section 515 of Public Law 106-554, commonly referred to as the Information Quality Act. After a detailed review of the allegations, the Service committed to completing a series of tasks. One of these tasks included amending our files on four biological opinions on the Florida panther, listed as endangered under the Endangered Species Act of 1973, as amended (ESA) (16 U.S.C. 1531 *et seq.*), and providing a copy of this action to your office. The four biological opinions in question include:

Corps Permit Number	Service Log Number	Project Name	Biological Opinion Date
199301156	4-1-00-F-585	S.W. Florida Int. Airport	December 14, 2001
199402492	4-1-98-F-372	Florida Rock Industries	January 30, 2002
199901251	4-1-00-F-178	Southern Marsh	March 7, 2002
199901378	4-1-01-F-148	Hawk's Haven	April 24, 2002

In each of the referenced biological opinions, the Service mischaracterized the minimum viable population and current verified population of panthers. The incorrect use of terms was included in the Status of the Species section of the opinions. The text in each of the opinions states:

The Florida Panther Interagency Committee, based on data collected from 1981 through 1991 by the Florida Game and Fresh Water Fish Commission and NPS estimated the population at 30 to 50 adult panthers (Logan et al. 1993). Early population viability analyses projected extinction of the panther in 25 to 40 years under existing demographic and genetic conditions (Seal et al. 1989, 1992). The current population was estimated at 78 at the time these biological opinions were written (Roy T. McBride, personal communication, 2001). This number is 28 more than the 50 that the best currently available scientific information (Seal et al. 1989) indicates are needed to ensure demographic and genetic health in the extant population.



Specifically, the Service mistakenly equated the number of total panthers in the current population at the time the biological opinions were written (78 panthers), as meeting the minimum number of breeding adults (50 panthers) needed to ensure demographic and genetic health in the current population. The Service biologist became aware of this misuse of terms in the middle of 2002 and corrected the text in subsequent biological opinions.

The Service has carefully reviewed each of the four biological opinions and determined that the misuse of terms had no impact in the evaluation of the projects or the conclusions. It is also important to note that the Service is now completing a revision of the Florida Rock Industries biological opinion, as requested by the Corps on September 15, 2004, to address deficiencies identified in National Wildlife Federation v. Norton, 332 F. Supp.2d 170 (D.D.C. 2004). These deficiencies are not related to the incorrect use of the two terms described in this letter. The Service is completing the biological opinion now and will provide it to your office in the near future.

Please add this letter into your administrative record for the four biological opinions. If you have any questions or additional information is needed, please do not hesitate to contact me at 772-562-3909.

Sincerely yours,

A handwritten signature in black ink, reading "James J. Slack". The signature is written in a cursive style with a large, stylized "J" and "S".

James J. Slack
Field Supervisor
South Florida Ecological Services Office